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above and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria 22313-1450.  
Name: Anna Massiou 9/28/06  
[Signature] Date  
Signature

Docket No.: RPO-P040A

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450.  
Alexandria, VA 22313-1450

Re: US Patent Application  
App. No.: 10/694,928; Filed: 10/27/2003  
For: "Planar Waveguide with Patterned Cladding and Method for Producing Same"  
Docket No.: RPO-P040A

Sir:  
The following documents are forwarded herewith for action by the U.S. Patent and Trademark Office:

1. Copy of Notice of Non-Compliant Amendment mailed 8/31/2006;
2. Corrective Amendment;
3. Return Postcard.

It is respectfully requested that the attached postcard be stamped with the receipt date of the above documents and returned to the addressee as soon as possible.

Respectfully submitted,  
[Signature]  
DENNIS S. FERNANDEZ, ESQ  
Reg. No. 34,160

DATE: 9/28/06

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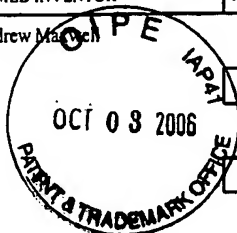


# UNITED STATES PATENT AND TRADEMARK OFFICE

H.A

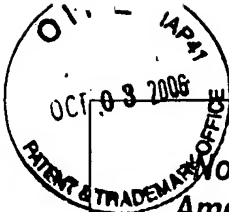
UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,928	10/27/2003	Ian Andrew Maxwell		5095
7590	08/31/2006			
IAN A. MAXWELL 9 NEWCASTLE STREET FIVE DOCK, NEW SOUTH WALES, 2046 AUSTRALIA			EXAMINER DUPUIS, DEREK L	
			ART UNIT 2883	PAPER NUMBER



DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)	
10/694,928	MAXWELL ET AL.	
Examiner	Art Unit	
Derek L. Dupuis	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 23 June 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Det. 2. J.  
\_\_\_\_\_  
Examiner (if applicable)

571-272-3101  
\_\_\_\_\_  
Telephone No.